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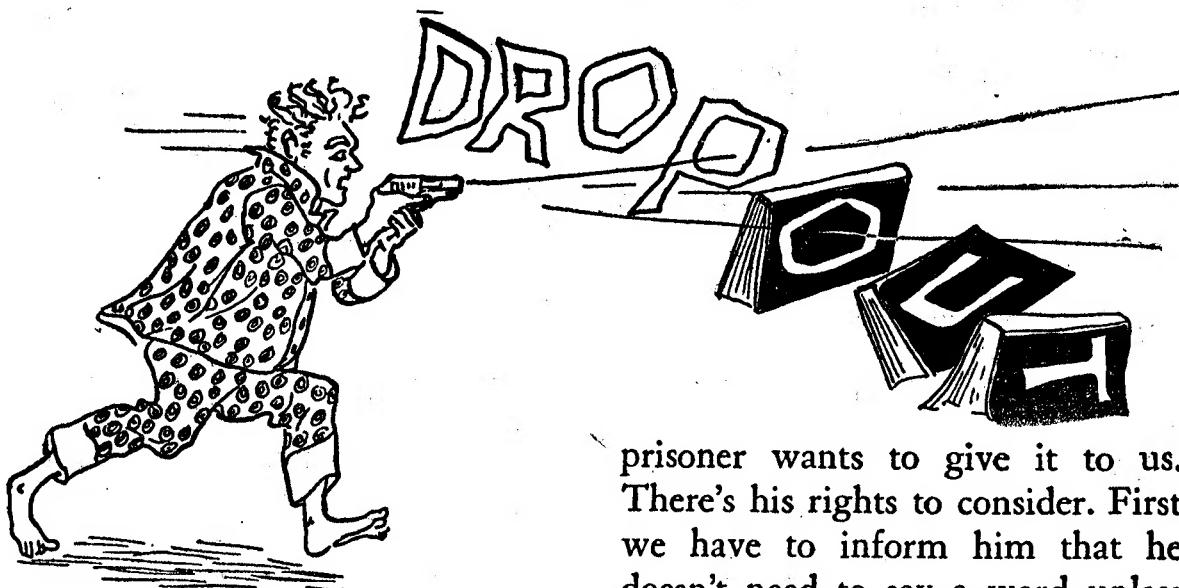
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Editor
Director
Director

*Unerring decisions are the muscular training of a philosopher,
Epictetus believed, and the following may be substantiation.*



SHERIFF TATE introduced himself and then apologized. "Sorry to disturb you so early in the morning, Mr. Watkins, but we need a lawyer."

I opened my hotel room door a bit more. "We?"

"The Sheriff's Department," he said. "We've got this prisoner and he wants to confess."

I glanced at my watch. It was seven a.m. "So let him confess."

Tate smiled tolerantly. "We try to keep up with the times here, Mr. Watkins. We can't accept a confession anymore just because a

prisoner wants to give it to us. There's his rights to consider. First we have to inform him that he doesn't need to say a word unless he really feels like it. That's because of the Miranda Decision, you know. Then if he still insists on confessing, it's better for us if he does his talking in the presence of his lawyer. That's so he can't renege later and claim that nobody told him nothing. The whole thing is explained in the little booklet put out by the Sheriffs' Association."

"Now look, Sheriff," I said, "I have to attend my own business. One of my cases is scheduled before the State Supreme Court this afternoon and I've got to be there."

"This won't take more than a half hour of your time," Tate said.

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By —————
JACK RICHIE

"The Miranda Decision don't say how long you got to be his lawyer. I mean you just represent him while he does the confessing, and he can get another lawyer when his trial comes up."

I glanced at my packed suitcases. "Doesn't this town have any lawyers of its own?"

He nodded. "We got two, but they're both in Jefferson City this week. The County Court's in session, you know." He shifted his weight to the other foot. "This prisoner—Dawson is his name—was caught attempting to open the safe in Harrington's Superette."

I rubbed my jaw. "You were the one who caught him?"

"No. Harrington did that himself. He lives in the apartment over

the store. Heard a noise downstairs and came down with his pistol. Chased Dawson up the alley and wounded him. Nothing serious though; a scratch on the calf of his leg."

I gave that thought. "Have you arrested Harrington?"

Tate blinked. "Harrington? What for?"

"Surely a town of this size must have an ordinance against the discharge of firearms within its territorial limits?"

"Well, yes. But Harrington was just defending his property."

I smiled thinly. "And just where did you say that the prisoner was wounded?"

"The calf of the leg."

"In other words, the prisoner was running away from Harrington when he was shot?"

"I guess you could say that."

"So Harrington wasn't really defending anything, now was he? He was merely shooting a fleeing man in the back of the leg?"

Tate regarded me uncertainly for a moment, but then decided he still wanted me. "Anyway, we found this bag of safecracking tools in a back yard just off the alley. That's where Dawson threw them when he realized that they were slowing him down."

"You found Dawson's fingerprints on the tools?"

"Well, no. I guess he used the black gloves we found stuffed in his back pocket. According to the hotel people, Dawson's been here two days and passing himself off as a wholesale shoe salesman."

My eyes went to the window. The day had possibilities of being depressing. "Where is the prisoner now?"

"In a cell at the jailhouse."

"You put a wounded man in a jail cell?"

"Well, sure. Like I said, the wound wasn't nothing serious. Just nicked off a little flesh."

"Is that what the doctor said?"

"We couldn't get Doc Peterson. He was out on a country call. Mrs. Thomkins is expecting again and she believes in home deliveries. But we got this first-aid box in the office."

I shook my head sadly.

Tate looked worried. "You think we should've got the doctor somehow? But the Miranda Decision don't cover slight flesh wounds."

"Why is the prisoner so eager to confess?"

"Not eager, exactly. It's just that he's been thinking it over for a few hours and I guess he realizes that since he was caught in the act it'll go easier for him if he makes no trouble and confesses."

"You made a deal with him?"

"Absolutely not," Tate said firmly.

ly. "No deals. I'll swear to that."

I accompanied Tate to the jailhouse and was introduced to Harrington.

He was a heavy man with the faint smell of liquor about him. "I live over the store," he said, "and along about three this morning I woke and heard this noise downstairs. So I went to the dresser where I keep my pistol and pulled out the drawer. I guess I must have been a little nervous, because I pulled it out too far and everything fell to the floor. That must have let the safecracker know I was coming. By the time I made it downstairs, he was already in the alley."

"How much did he steal?" I asked.

"Nothing," Harrington said. "He didn't have time to get the safe open."

Tate's deputy brought the prisoner into the room. Dawson was a small man and he seemed on the verge of losing his temper. He stared at me warily.

"I'm your lawyer," I said. "The name is James Watkins. I understand that you want to confess?"

He shrugged casually. "Wouldn't it go easier for me?"

"How does your leg feel?" Tate asked. "Any pain?"

Dawson looked down at the leg. "No. It was just a scratch."

The sheriff turned to me. "The

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reason I asked him about the wound is because there was this case in Sheboygan where the man was arrested for drunken driving. He confessed to the charge at the station in the presence and with the consent of his lawyer, but the judge threw the case out of court anyway, claiming that the defendant was still too drunk at the time of the confession to be in full possession of his senses and know what he was saying."

I blinked, not seeing a connection between the two cases.

"I mean that if a man should be in pain from a bullet wound, for instance," Tate said earnestly, "then he also might not be in the full and free possession of his senses and the court's liable to throw out the whole thing. You can't be too careful, you know."

Dawson rubbed his forehead.

The sheriff watched him. "Got a headache?"

"Sure," Dawson said.

Tate turned to his deputy. "Bill, get him two aspirins and a glass of water."

When Bill returned, Dawson swallowed the two aspirins and seemed about to say something, but Sheriff Tate held up a cautioning hand. "I realize that the aspirins may already be at work in your bloodstream, but let's wait ten minutes to be sure."

DROPOUT

Dawson looked at me and shrugged again.

I turned to Harrington. "You saw the prisoner at the safe?"

"Not exactly. But the back door was standing open and I knew I didn't leave it that way when I went upstairs for the night."

"So you rushed to the alley door and you saw a dark figure running? Or *thought* you saw him running?"

"He was running all right," Harrington said positively. "There was a quarter moon out. Maybe more."

"And you began spraying bullets all about the place? How many shots did you fire?"

"Five or six."

"All of them aimed at the fleeing man?"

"Sure."

"But only one bullet hit him? And a graze at that?"

"Well, it was dark," Harrington said defensively. He quickly corrected that. "Not *too* dark to see him. But I'm not such a good shot. That's what happened."

"As a matter of fact," Sheriff Tate said, "one of Harrington's bullets went through Ray Janecki's kitchen window, just about head high. Would have got Ray except that he happened to be in bed at the time." He turned to Dawson. "How's the headache?"

"Improving," Dawson said.

"What's for breakfast?" he added.

Tate was faintly startled. "Breakfast? We'd better get you something to eat before you say another word," he said quickly. "I don't want the confession to be tainted by the fact that you might be acting under the stress of hunger."

After about fifteen minutes, Tate's deputy returned from the diner next door with a tray of food.

While Dawson ate, I studied Harrington. "Have you got a grudge against this man Janecki? The one whose head you nearly shot off?"

Harrington's voice squeaked slightly. "Grudge? Why should I have a grudge against Janecki? He's not even a regular customer."

Tate had been paging through the Sheriff's Manual. He looked up. "Isn't Chuck Biddle's house right next to Janecki's?"

"I guess so," Harrington said. "Why?"

Tate turned to me. "Last week Harrington caught Biddle's wife shoplifting in the store."

Harrington nodded. "A jar of maraschino cherries and two cans of anchovies. They don't really need the stuff, but they take it anyway."

Tate agreed. "Biddle got pretty upset when he found that Harring-

ton had turned her over to me. Claimed a little thing like that should be settled quietly without going to the authorities. Even threatened to punch Harrington in the nose."

I smiled thinly in Harrington's direction. "You're worried that Biddle will do just that?"

He drew himself up. "Biddle don't worry me. I told him to take his shoplifting to some other store, and as far as I'm concerned, that closes the incident."

Sheriff Tate closed his manual. "I think that in order to play this absolutely safe, we ought to tape record the fact that I'm letting the prisoner know his rights, and also we ought to tape the confession." He spoke to his deputy. "Do you know anybody in town who's got a tape recorder?"

"There's Millie Pritchard," Bill said and left the room.

I focused upon Harrington again. "You admit that the safe wasn't even opened in this so-called robbery attempt?"

"Maybe not," he conceded. "But at least there's breaking and entering."

"You saw Dawson break and enter?"

"No, but the back door's been jimmied. You can see that for yourself if you want to."

I smiled patiently. "I will grant

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that the back door was jimmied, but we don't really know who did the jimmying, now do we? Just suppose this is all really a cover-up for an attempt to put a bullet through Biddle's head?"

Harrington bristled. "I didn't even hit Biddle's house."

"You admit you're a lousy shot, and you'd been drinking—I can smell it on your breath."

He colored. "I wasn't drinking when it all happened. I took a couple of swallows later to steady my nerves. Besides, why should I shoot at a dark window?"

"A trick of the moonlight on the pane made you think you saw Biddle at the sink getting a glass of water. And you intended to cover up this murder by pretending an accident occurred while you were shooting at this alleged safecracker."

Harrington exploded. "*Alleged?* If Dawson wasn't the safecracker, then why was he running down the alley?"

"Come now, Harrington," I said. "Suppose you were innocently returning to your hotel after a movie and suddenly someone who'd been drinking popped out of a doorway and began shooting at you. Wouldn't you run, too?"

Harrison snorted. "Why would he be walking through the alley? What's wrong with the streets?"

"He was taking a shortcut."

"There's only one hotel in this town and one movie house," Harrington said, "and the alley isn't between them. Besides, it was three in the morning and the last movie lets out somewhere around midnight."

Dawson looked up from his cup of coffee and waited.

"He got lost and was lost for a long time," I said. "He admits he's a stranger in town."

"What about the safecracking tools?" Harrington demanded.

"All right, what about them? Are you positive that they *are* safecracking tools? Besides, how in the world is anyone going to prove that they belong to Dawson? I understand that there are no fingerprints."

Tate's deputy returned, carrying a tape recorder. "We can use only the last half of the tape, Sheriff. Millie recorded some songs on the first half and she doesn't want them erased." He put the recorder on the table and plugged in the cord.

We listened to the closing bars of *La Estralita* as sung by a fair country soprano before the deputy stopped the tape and handed the microphone to Tate. "All set, Sheriff. Just talk natural and don't get nervous."

Tate cleared his throat and care-

fully recited the formal warning to the prisoner as printed in the open Sheriff's Manual before him. When he finished, he wiped the palm of one hand on his trousers. "And now I turn this microphone over to the prisoner, one Samuel Dawson."

Dawson dabbed at his lips with a napkin and took the microphone. "I was walking home from this movie, minding my own business. I got lost and after wandering around for a couple of hours or so, I happened to try this alley and just . . ."

Sheriff Tate and Harrington were quite unhappy when Dawson finished speaking.

I smiled. "Let's face it, Harrington. There isn't much of a case against my client. You admit that you did not even see him on your premises at all; and besides that, you're vulnerable, Harrington. You discharged a firearm within the town limits without regard for the lives or limbs of your neighbors—at the very least."

I let a few seconds tick by. "If Dawson is taken to court, do you seriously believe that he stands even the remotest chance of being convicted? Especially if I represent him?"

Harrington ran his tongue over his lips. "Are you one of those big city lawyers?"

I shrugged. "I do have a suite in Chicago: Watkins, O'Brien, and Schultz." I smiled. "The verdict will, of course, be not guilty. I think that is obvious to all of us here in this room. A man is innocent until proved guilty, and here we have the word of a man who has been drinking against that of an honest, but unfortunate, shoe salesman. I wouldn't be at all surprised if my client turns on you and sues for grievous mental and physical suffering."

Harrington looked toward Tate for help, but Tate was busy running a forefinger down the table of contents of the Sheriff's Manual and evidently not finding what he wanted.

My tone was intended to be kind. "Perhaps I can persuade my client to forgive and forget this entire incident, especially since I feel reasonably certain that you merely had a few drinks too many and began shooting at phantoms in the night. You had no intention of assassinating Biddle and I am fairly positive that any competent lawyer could convince a jury of that." I almost patted him on the shoulder. "Possibly you don't even remember yourself exactly what did happen at three this morning. Now do you?"

Harrington closed his eyes, kept them that way for almost a full

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minute. Then he sighed. "I don't remember a damn thing. Not a damn thing."

Five minutes after Dawson was released, I accompanied Sheriff Tate to the diner for breakfast.

He appeared rather tired as he took a stool near the window. "I guess you're pretty good at this lawyer business, aren't you, Mr. Watkins?"

I studied the wall menu and shrugged. "I've personally handled ninety-three criminal cases and everyone of my clients was acquitted."

Tate was impressed. "Really? And were any of them innocent?"

I had a thoughtful drive to the state capital and checked in at the Madison Hotel. I asked for Dawson's room number and found him in the process of opening a bottle.

At three that morning, when Harrington pulled the drawer entirely out of his dresser, Dawson and I had been at the safe downstairs. I had departed immediately, but Dawson had unwisely chosen to spend time gathering up the tools rather than abandoning them

in the store. I had been safely out of the alley and around the corner when Harrington began shooting.

Now I took the drink Dawson offered. "I was going to see to it that you got a good lawyer. I didn't expect to fill the bill myself."

Dawson grinned. "On dull afternoons in small-town hotel lobbies, we have to talk about something and pretend to be what we aren't, but I never thought passing yourself off as a lawyer would pay any happy dividends." He poured some brandy for himself. "Maybe you missed your calling, Fred. You seem to have a gift for the law."

I nodded and looked out of the window, past the capitol dome, to the campus of the state university where I'd attended law school for six months over a decade ago.

Sam Dawson and I had been partners for almost five years. I thought we'd done well, but I could see now that our operations were really chicken feed, and realized where the real money must be waiting.

It was going to be a little difficult to tell Sam that I was going back to school for my degree.

